

REMARKS

The Office Action mailed February 25, 2004, has been reviewed and the specification has been checked and no minor errors have been found. The Cross Reference to Related Applications in paragraph [0001] has been updated to reflect the patent status of application 10/375,433, as suggested by the Examiner, and appropriate correction has been made.

In the Office Action mailed February 25, 2004, the Examiner rejected Applicant's claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-9, 16, 24, 31 and 39 of U.S. Patent 6,662,498. In supporting the rejection the Examiner stated:

Although the conflicting claims are not identical, they are not patentably distinct from each other because: the decoration assemblies comprising a floral holding material and their methods of forming as cited in the instant independent claims 1, 16, 29 and 40 are encompassed by the decorative assemblies comprising a shape sustaining floral holding material and their methods of forming as recited in the conflicting '498 independent claims 2, 4, 9, 31 and 39 respectively.

The Examiner then continued to reiterate why each of the various claims were rejected under the before stated judicially created doctrine of obviousness-type double patenting.

The before stated rejection of the Examiner is believed obviated by providing here with a Terminal Disclaimer in compliance with 37 CFR 1.321(c) the Terminal Disclaimer including a statement that the conflicting patent and the present application are commonly owned.


In view of the filing of a Terminal Disclaimer herewith, it is respectfully requested that the Examiner withdraw the rejection of claims 1-48 under the judicially created doctrine of obviousness-type double patenting and pass such claims to issue.

In the Office Action dated February 25, 2004 the Examiner objected to claim 5 because of an informality and suggested an appropriate correction. Applicant agrees with Examiner and has amended claim 5 as suggest by the Examiner.

Conclusion

In view of the above, applicant respectfully submits the claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

Respectfully submitted,



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